

STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals, continued and held at Charleston, Kanawha County, on June 4, 2019, the following order was made and entered:

State of West Virginia ex rel.
Cardinal Health, Inc.,
Petitioner

vs.) No. 19-0204

Honorable David W. Hummel, Jr., Judge of the
Circuit Court of Marshall County, et al.,
Respondents

ORDER

On March 7, 2019, the petitioner, Cardinal Health, Inc., by counsel Brian A. Glasser and Steven R. Ruby, Bailey & Glasser, LLP; and Enu Mainigi, F. Lane Heard III, and Ashley Hardin, Williams & Connolly LLP, presented to the Court a petition praying for a writ of prohibition to be directed against the respondent, the Honorable David W. Hummel, Jr., Judge of the Circuit Court of Marshall County, as therein set forth.

Thereafter, on May 13, 2019, the respondents, Brook County Commission, et al., by counsel Clayton J. Fitzsimmons, Robert P. Fitzsimmons, and Mark A. Colantonio, Fitzsimmons Law Firm, PLLC; Samuel D. Madia, Shaffer Madia Law, PLLC; Paul J. Napoli and Joseph L. Ciaccio, Napoli Shkolnik, LLP; Jonathan E. Turak, Gold, Khourey & Turak; and Daniel J. Guida, Guida Law Office, filed a response to the petition. The Cabell County Commission, by Paul T. Farrell, Jr., Greene, Ketchum, Farrell, Bailey & Tweel, LLP; Anthony J. Majestro, Powell & Majestro, PLLC; and Michael A. Woelfel, Woelfel and Woelfel, LLP, filed an amici curiae brief on the same day.

Finally, on May 17, 2019, the petitioner, by counsel, filed a motion for leave to file a reply to the response, along with the reply. The motion is granted and the reply is ordered filed.

Exhibit B

Upon consideration and review of the petition and all pleadings filed herein, the Court is of the opinion that a rule should not be awarded, and the writ prayed for by the petitioner is hereby refused. Justice Workman disqualified.

A True Copy

Attest: /s/ Edythe Nash Gaiser
Clerk of Court

